

**DECLARATION OF DISASTER
DUE TO A HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

WHEREAS, for federal fiscal year 2023, Southwest encounters are at 1,055,320 of which 419,147 are a result of Title 42; and

WHEREAS, the El Paso sector of CBP had 39,512 land border encounters in the month of March, 2023; and

WHEREAS, the Department of Homeland Security has created a program through which migrants from certain nations can request asylum; and

WHEREAS, thousands of migrants from Latin America are gathering at or near the U.S.- Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ends along with the expiration of the Public Health Emergency for COVID-19 as proposed in May, 2023; and

WHEREAS, upon the migrants' arrival into the United States, they are held by CBP who process, set for hearing and then release migrants onto El Paso streets with little to no resources; and

WHEREAS, the number of migrants in need of shelter exceeds the shelter space available through local, state, and federal partnerships; and

WHEREAS, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

WHEREAS, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, Customs and Border Protection (CBP) has surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

WHEREAS, the primary challenge for the NGO is that it does not have the volunteer base to sustain or increase current capacity at its current hospitality sites; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, the number of migrants released into the community continues to grow; and has been as high as 1,700 in a single day; and

WHEREAS, Secretary Mayorkas of the Department of Homeland Security has commented that he

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expects a surge of migrants into the United States after Title 42 ends; and

WHEREAS, the Mexican government estimates that approximately 15,000 are now camped in Ciudad Juarez awaiting an opportunity to cross the border; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk of injury or loss of life with migrants in El Paso streets with little or no resources on days that reach extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, donations to the migrants from the public are best received at the assisting NGO's and shelters in lieu of delivery to spaces where migrants gather; and

WHEREAS, additional shelter space is being prepared for the thousands of migrants released into the community; and

WHEREAS, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, the volume of migrants at the border and released into the United States has gained the attention of international and national media; and

WHEREAS, there is potential for loss of property for both residents and migrants due to those who would take advantage of this wave of migrants; and

WHEREAS, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays, which is concerning, as 161,439 cargo trucks pass across the Bridge of the Americas alone annually; and

WHEREAS, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; and

WHEREAS, the Mayor of the City of El Paso is committed to collaborating and communicating as necessary to ensure that adequate resources are made available to handle these issues.

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NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF EL PASO:

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. That a local state of disaster is hereby declared for the City of El Paso pursuant to §418.108(a) of the Texas Government Code.
3. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of El Paso, or a new local state of disaster on this same topic is declared by the Mayor.
4. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Clerk.
5. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City emergency plan.
6. This declaration activates the response and recovery aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary or desirable by those administering such plans, including but not limited to sheltering, transportation, instituting curfews and control of ingress and egress to areas as needed to protect the health, safety and welfare of the public.
7. Pursuant to Texas Health and Safety Code §122.006, the City may adopt rules to protect the health of persons in the City, and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.
8. Pursuant to Texas Health and Safety Code §121.003(a), the governing body of a municipality may enforce any law that is reasonably necessary to protect public health.
9. Pursuant to El Paso City Code 2.48.020(c), the Mayor as Emergency Management Director, may declare a local state of disaster.
10. Pursuant to El Paso City Code 2.48.020(h), the Mayor issues necessary proclamations, regulations or directives which are necessary for the protection of life and property in the City.
11. That this declaration shall take effect at 12:01 a.m. on May 1, 2023.

(Signatures appear on the following page)

ORDERED this the 30th day of April, 2023.

CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
City Attorney

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